

Appl. No. 10/798,614
Amdt. Dated January 12, 2009
Reply to O.A. of December 10, 2008

REMARKS/ARGUMENTS

Claims 39-42, 45, 46, 56-60, 63, 77-79, 84, 87, and 89-95 are pending and at issue in the present application, claims 56, 63, 77, 78, and 91-93 having been amended, and claim 76 having been canceled by this amendment.

The undersigned thanks Examiner Chao for courtesies extended during a telephonic interview on January 6, 2009, during which the parties discussed the restriction requirement of the Office action dated December 10, 2008. The following remarks summarize and amplify the substance of the interview.

The applicants assert that the present amendments overcome the restriction requirement and respectfully request withdrawal thereof. However, for purposes of completeness and in case the restriction requirement is not withdrawn, the applicants hereby elect for prosecution claims directed to Invention I, which includes claims 39-42, 45, 46, 87, 89, and 90.

The applicants also specifically traverse the restriction requirement because the examiner has not provided a reasonable explanation as to why there would be a serious search and examination burden if restriction were not required. In fact, the examiner has demonstrated that there is no serious burden because in the Office action dated June 25, 2008, Examiner Chao rejected the identical claims that are under the current restriction requirement. Presumably, the examiner had preformed his duties by fully searching and examining all of the claims before issuing the Office action dated June 25, 2008, which contradicts the examiner's assertion that now a serious burden exists. For at least this reason, the applicants request withdrawal of the pending restriction requirement.

Consideration and allowance of the claims at issue are respectfully requested. For purposes of a next Office action, the Response dated August 26, 2008, is incorporated herein in its entirety.

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Request for Interview

The undersigned specifically requests the courtesy of an interview with the examiner or the examiner's supervisor to discuss the amendments prior to the issuance of a next Office action. Specifically, if the restriction requirement is withdrawn because of the lack of a serious search and examination burden, as discussed above, then the present amendments should not be necessary and the applicants would kindly request leave to file a supplemental amendment.

Deposit Account Authorization

The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees, which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903.

Respectfully submitted,

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January 12, 2009

By: 

Cato Yang
Reg. No: 57,310